

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

WILLIAM E. MARTIN,)	
)	
Plaintiff,)	
)	
v.)	No. 23-cv-02461-JTF-tmp
)	
SSM PARTNERS, CHARLES WEST,)	
HUNTER WITHERINGTON, and)	
ED NENON,)	
)	
Defendants.)	

ORDER DIRECTING PLAINTIFF TO SERVE DEFENDANTS

On August 1, 2023, the plaintiff filed a *pro se* complaint against defendants SSM Partners, Charles West, Hunter Witherington, and Ed Nenon. (ECF No. 1.)¹ The plaintiff paid the case initiation fee. (ECF No. 4.) On August 1, 2023, summonses were issued and given to the plaintiff to perfect service. (ECF No. 8.) However, none of the defendants have been served.

On November 20, 2023, the court entered an order to show cause why the court should not dismiss the case without prejudice for failure to timely serve the defendants. (ECF No. 9.) In response, the plaintiff explained that none of the defendants have been

¹Pursuant to Administrative Order No. 2013-05, this case has been referred to the United States magistrate judge for management and for all pretrial matters for determination or report and recommendation, as appropriate.

served because he “desire[d] for the service of the summonses to be made by a Marshal pursuant to Rule 4(b)(3) of the Federal Rules of Civil Procedure and I was not aware that I had to initiate any additional actions on my part to use a Marshal.” (ECF No. 10.) However, pursuant to Local Rule 4.1(b)(1), the plaintiff is personally responsible for serving the defendants because he paid the filing fee. Therefore, the plaintiff has until Monday, January 22, 2024, to serve the defendants. If the plaintiff fails to do so, then the court may dismiss the case without prejudice.

IT IS SO ORDERED.

s/Tu M. Pham

TU M. PHAM

Chief United States Magistrate Judge

December 6, 2023

Date